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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				DWIVEDI, MAHESH H
ART UNIT		PAPER NUMBER		
2168				DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/516,881	NAKO, KAZUYUKI
	Examiner	Art Unit
	Mahesh H. Dwivedi	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 December 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/3/2004</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 12/03/2004 has been received, entered into the record, and considered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Denmark PA 1999 00827 on 06/11/1999. It is noted, however, that applicant has not filed a certified copy of the Denmark PA 1999 00827 application as required by 35 U.S.C. 119(b).

Claim Objections

3. Claims 1, 6, and 8 objected to because of the following informalities: The examiner suggests that applicant remove all reference numbers from the aforementioned claims. For example, in claim 1, "(11)", "(12)", and "(S14, S16, S18)" should be removed. Appropriate correction is required.

Claims 2-5 are objected to for incorporating the deficiencies of claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyon** (U.S. PGPUB 2002/0077135) and in view of **Baker** (U.S. Patent 6,546,417).

6. Regarding claim 1, **Hyon** teaches a display device comprising:

- A) a first storage portion (11) for storing beforehand a character code for specifying each character in said text and character shape data corresponding to said character code in a correlated manner (**Hyon**, Paragraphs 41-42, Figure 4);
- B) a second storage portion (12) for storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user (**Hyon**, Paragraphs 25 and 44, Figure 2);
- C) a display output portion (13) for outputting said text and said registered image (**Hyon**, Paragraph 21, Figure 2); and
- D) a display control portion (10) for causing said display output portion to output corresponding said text and said registered image based on display data containing a series of said character code, text attribute data, and said image code (**Hyon**, Paragraphs 21 and 42);

The examiner notes that **Hyon** teaches “**a first storage portion (11) for storing beforehand a character code for specifying each character in said text and character shape data corresponding to said character code in a correlated**

manner" as "the user can input a text including typical characters, special characters, or emoticons within the range of a transmittable SMS message, by changing input modes" (Paragraph 41). The examiner further notes that **Hyon** teaches "**a second storage portion (12) for storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user**" as "storage 18 stores oriental or occidental emoticons according to the cultural area of a user" (Paragraph 25). The examiner further notes that **Hyon** teaches "**a display output portion (13) for outputting said text and said registered image**" as "a display 16 outputs display data and text messages generated in the mobile terminal. An LCD (Liquid Crystal Display) can be used as the display 16" (Paragraph 21). The examiner further notes that **Hyon** teaches "**a display control portion (10) for causing said display output portion to output corresponding said text and said registered image based on display data containing a series of said character code, text attribute data, and said image code**" as "a display 16 outputs display data and text messages generated in the mobile terminal. An LCD (Liquid Crystal Display) can be used as the display 16" (Paragraph 21) and "After an intended text is completed, the user instructs the mobile terminal to transmit the SMS message including the emoticon...the mobile terminal transmits the stored message" (Paragraph 42). The examiner further notes that it is common knowledge that when text messages are received via a device, the entire message is displayed at once.

Hyon does not explicitly teach:

E) wherein said display control portion has image transforming means (S14, S16, S18) for transforming said registered image to be displayed according to said text attribute data.

Baker, however, teaches “**wherein said display control portion has image transforming means (S14, S16, S18) for transforming said registered image to be displayed according to said text attribute data**” as “in order to accommodate the use of different size fonts in the mailbox display, means for scaling the size of the icon graphics are also provided...at least one image for each icon is stored, the icon most closely matching the point size of the font is chosen and then scaled as needed to better match the font point size” (Column 8, lines 26-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baker's** would have allowed **Hyon's** to provide a method for allowing for scalable icons to accompany texts with specified and varied fonts in order to easily associate an icon to a particular sentence, as noted by **Baker** (Column 5, lines 40-55).

Regarding claim 2, **Hyon** does not explicitly teach a display device comprising:

- A) wherein said text attribute data contains size attribute data indicating a character size of the corresponding text (**Baker**, Column 8, lines 26-40); and
- B) said image transforming means scales up/down said registered image according to said size attribute data (**Baker**, Column 8, lines 26-40).

Baker, however, teaches “**wherein said text attribute data contains size attribute data indicating a character size of the corresponding text**” as “in order to accommodate the use of different size fonts in the mailbox display, means for scaling the size of the icon graphics are also provided...at least one image for each icon is stored, the icon most closely matching the point size of the font is chosen and then scaled as needed to better match the font point size” (Column 8, lines 26-40) and “**said image transforming means scales up/down said registered image according to said size attribute data**” as “in order to accommodate the use of different size fonts in the mailbox display, means for scaling the size of the icon graphics are also provided...at least one image for each icon is stored, the icon most closely matching the point size of the font is chosen and then scaled as needed to better match the font point size” (Column 8, lines 26-40)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baker's** would have allowed **Hyon's** to provide a method for allowing for scalable icons to accompany texts with specified and varied fonts in order to easily associate an icon to a particular sentence, as noted by **Baker** (Column 5, lines 40-55).

Regarding claim 6, **Hyon** teaches a method comprising:

- A) storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user (**Hyon**, Paragraphs 25 and 44, Figure 2); and

B) displaying (S19) said text and said registered image simultaneously based on said transformed registered image, and said text attribute data and the character code for specifying each character in said text, and character shape data corresponding to said character code stored beforehand in a correlated manner (Hyon, Paragraphs 21 and 42).

The examiner notes that Hyon teaches “**storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user**” as “storage 18 stores oriental or occidental emoticons according to the cultural area of a user” (Paragraph 25). The examiner further notes that Hyon teaches “**displaying (S19) said text and said registered image simultaneously based on said transformed registered image, and said text attribute data and the character code for specifying each character in said text, and character shape data corresponding to said character code stored beforehand in a correlated manner**” as “a display 16 outputs display data and text messages generated in the mobile terminal. An LCD (Liquid Crystal Display) can be used as the display 16” (Paragraph 21) and “After an intended text is completed, the user instructs the mobile terminal to transmit the SMS message including the emoticon...the mobile terminal transmits the stored message” (Paragraph 42). The examiner further notes that it is common knowledge that when text messages are received via a device, the entire message is displayed at once.

Hyon does not explicitly teach:

C) with respect to display data containing a series of a character code, text attribute data, and said image code, transforming (S14, S16, S18) said registered image to be displayed according to said text attribute data.

Baker, however, teaches “**with respect to display data containing a series of a character code, text attribute data, and said image code, transforming (S14, S16, S18) said registered image to be displayed according to said text attribute data**” as “in order to accommodate the use of different size fonts in the mailbox display, means for scaling the size of the icon graphics are also provided...at least one image for each icon is stored, the icon most closely matching the point size of the font is chosen and then scaled as needed to better match the font point size” (Column 8, lines 26-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baker's** would have allowed **Hyon's** to provide a method for allowing for scalable icons to accompany texts with specified and varied fonts in order to easily associate an icon to a particular sentence, as noted by **Baker** (Column 5, lines 40-55).

Regarding claim 7, **Hyon** teaches a viewer program comprising:

A) storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user (**Hyon**, Paragraphs 25 and 44, Figure 2); and

B) displaying said text and said registered image simultaneously based on said transformed registered image, and said text attribute data and the character code for specifying each character in said text, and character shape data corresponding to said character code stored beforehand in a correlated manner (Hyon, Paragraphs 21 and 42).

The examiner notes that **Hyon** teaches “**storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user**” as “storage 18 stores oriental or occidental emoticons according to the cultural area of a user” (Paragraph 25). The examiner further notes that **Hyon** teaches “**displaying said text and said registered image simultaneously based on said transformed registered image, and said text attribute data and the character code for specifying each character in said text, and character shape data corresponding to said character code stored beforehand in a correlated manner**” as “a display 16 outputs display data and text messages generated in the mobile terminal. An LCD (Liquid Crystal Display) can be used as the display 16” (Paragraph 21) and “After an intended text is completed, the user instructs the mobile terminal to transmit the SMS message including the emoticon...the mobile terminal transmits the stored message” (Paragraph 42). The examiner further notes that it is common knowledge that when text messages are received via a device, the entire message is displayed at once.

Hyon does not explicitly teach:

C) with respect to display data containing a series of a character code, text attribute data, and said image code, transforming said registered image to be displayed according to said text attribute data.

Baker, however, teaches “**with respect to display data containing a series of a character code, text attribute data, and said image code, transforming said registered image to be displayed according to said text attribute data**” as “in order to accommodate the use of different size fonts in the mailbox display, means for scaling the size of the icon graphics are also provided...at least one image for each icon is stored, the icon most closely matching the point size of the font is chosen and then scaled as needed to better match the font point size” (Column 8, lines 26-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baker's** would have allowed **Hyon's** to provide a method for allowing for scalable icons to accompany texts with specified and varied fonts in order to easily associate an icon to a particular sentence, as noted by **Baker** (Column 5, lines 40-55).

Regarding claim 8, **Hyon** teaches a computer readable recording medium comprising:

A) storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user (**Hyon**, Paragraphs 25 and 44, Figure 2); and

B) displaying said text and said registered image simultaneously based on said transformed registered image, and said text attribute data and the character code for specifying each character in said text, and character shape data corresponding to said character code stored beforehand in a correlated manner (Hyon, Paragraphs 21 and 42).

The examiner notes that Hyon teaches “**storing an image code for specifying said registered image and registered image data corresponding to said image code in a correlated manner according to registration processing by a user**” as “storage 18 stores oriental or occidental emoticons according to the cultural area of a user” (Paragraph 25). The examiner further notes that Hyon teaches “**displaying said text and said registered image simultaneously based on said transformed registered image, and said text attribute data and the character code for specifying each character in said text, and character shape data corresponding to said character code stored beforehand in a correlated manner**” as “a display 16 outputs display data and text messages generated in the mobile terminal. An LCD (Liquid Crystal Display) can be used as the display 16” (Paragraph 21) and “After an intended text is completed, the user instructs the mobile terminal to transmit the SMS message including the emoticon...the mobile terminal transmits the stored message” (Paragraph 42). The examiner further notes that it is common knowledge that when text messages are received via a device, the entire message is displayed at once.

Hyon does not explicitly teach:

C) with respect to display data containing a series of a character code, text attribute data, and said image code, transforming said registered image to be displayed according to said text attribute data.

Baker, however, teaches “**with respect to display data containing a series of a character code, text attribute data, and said image code, transforming said registered image to be displayed according to said text attribute data**” as “in order to accommodate the use of different size fonts in the mailbox display, means for scaling the size of the icon graphics are also provided...at least one image for each icon is stored, the icon most closely matching the point size of the font is chosen and then scaled as needed to better match the font point size” (Column 8, lines 26-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baker's** would have allowed **Hyon's** to provide a method for allowing for scalable icons to accompany texts with specified and varied fonts in order to easily associate an icon to a particular sentence, as noted by **Baker** (Column 5, lines 40-55).

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyon** (U.S. PGPUB 2002/0077135) and in view of **Baker** (U.S. Patent 6,546,417) as applied to claims 1-2, and 6-8 and further in view of **Ostermann et al.** (U.S. Patent 6,990,452).

8. Regarding claim 3, **Hyon** and **Baker** do not explicitly teach a display device comprising:

- A) wherein said text attribute data contains color attribute data indicating at least a fore color of a corresponding text; and
- B) said image transforming means converts a color of said registered image according to said color attribute data.

Ostermann, however, teaches “**wherein said text attribute data contains color attribute data indicating at least a fore color of a corresponding text**” as “The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or by any other means. For example, the method may comprise providing the sender an option to assign a color to the at least typed one word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the chosen emoticon presentation by the animated entity ends at the last typed word with the assigned color” (Column 11, lines 43-50) and “**said image transforming means converts a color of said registered image according to said color attribute data**” as “The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or by any other means. For example, the method may comprise providing the sender an option to assign a color to the at least typed one word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the chosen emoticon presentation by the animated entity ends at the last typed word with the assigned color” (Column 11, lines 43-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Ostermann's** would have allowed **Hyon's** and **Baker's** to provide a method to allow the ability to insert a customized emoticon or specified image by a single button click, as noted by **Ostermann** (Column 3, lines 35-54).

Regarding claim 4, **Hyon** and **Baker** do not explicitly teach a display device comprising:

A) wherein said registered is a gray image, said image transforming means converts each pixel into a color made by mixing the fore color and a back color of said text at a ratio according to a pixel value.

Ostermann, however, teaches “**wherein said registered is a gray image, said image transforming means converts each pixel into a color made by mixing the fore color and a back color of said text at a ratio according to a pixel value**” as “The increased intensity of the emoticon may be accomplished by changing the icon from black-on-white background to black-on-colored background (such as red or yellow) where the intensity of the background color reflects the amplitude” (Column 9, lines 43-67) and “The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or by any other means. For example, the method may comprise providing the sender an option to assign a color to the at least typed one word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the chosen emoticon presentation by

the animated entity ends at the last typed word with the assigned color" (Column 11, lines 43-50)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Ostermann's** would have allowed **Hyon's** and **Baker's** to provide a method to allow the ability to insert a customized emoticon or specified image by a single button click, as noted by **Ostermann** (Column 3, lines 35-54).

Regarding claim 5, **Hyon** and **Baker** do not explicitly teach a display device comprising:

- A) wherein said text attribute data contains decoration attribute data indicating a type of a decoration applied to a corresponding text; and
- B) said image transforming means decorates said registered image according to said decoration attribute data.

Ostermann, however, teaches "**wherein said text attribute data contains decoration attribute data indicating a type of a decoration applied to a corresponding text**" as "The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or by any other means...In this case, in a sentence such as "Hi John, :-) are you pleased that the stock market is up?" the underlining represents the highlighting wherein the sender chooses to begin the smile at the beginning of the word "are" and to continue the smile through the word "up". The method comprises receiving the indicated duration of the emoticon and presenting the

chosen duration of the emoticon" (Column 11, lines 43-61) and "**said image transforming means decorates said registered image according to said decoration attribute data**" as "The sender can associate typed words with an emoticon by underlining, coloring, highlighting, or by any other means...In this case, in a sentence such as "Hi John, :-) are you pleased that the stock market is up?" the underlining represents the highlighting wherein the sender chooses to begin the smile at the beginning of the word "are" and to continue the smile through the word "up". The method comprises receiving the indicated duration of the emoticon and presenting the chosen duration of the emoticon" (Column 11, lines 43-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Ostermann's** would have allowed **Hyon's** and **Baker's** to provide a method to allow the ability to insert a customized emoticon or specified image by a single button click, as noted by **Ostermann** (Column 3, lines 35-54).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,987,991 by **Nelson** on 17 January 2006. The subject matter disclosed therein is pertinent to that of claims 1-8 (e.g., methods automatically scale graphics into a text sentence that is sent to another user).

U.S. PGPUB 2002/0120653 by **Kraft et al.** on 29 August 2002. The subject matter disclosed therein is pertinent to that of claims 1-8 (e.g., methods automatically scale graphics into a text sentence that is sent to another user).

U.S. Patent 6,584,479 by **Chang et al.** on 24 June 2003. The subject matter disclosed therein is pertinent to that of claims 1-8 (e.g., methods automatically scale graphics into a text sentence that is sent to another user).

U.S. Patent 6,456,305 by **Qureshi et al.** on 24 September 2002. The subject matter disclosed therein is pertinent to that of claims 1-8 (e.g., methods automatically scale graphics into a text sentence that is sent to another user).

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi

Patent Examiner

Art Unit 2168



July 26, 2006



Leslie Wong

Primary Examiner